

IN RE: PETITION FOR ZONING VARIANCE  
W/C North Charles Street Ave.  
428' S of Joppa Road  
(635 North Charles St. Avenue)  
9th Election District  
4th Councilmanic District  
B. Franklin Hearn, IV, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 2 ft. in lieu of the required 10 feet for a proposed enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated that the subject property, known as 635 North Charles Street Avenue, consists of .185 acres zoned D.R. 5.5 and is currently improved with a single family dwelling. The Petitioners propose having a screened porch added onto the existing dwelling. Due to the layout of the existing dwelling and its location on the lot, the porch enclosure must be placed partially on the side of the dwelling which necessitated the requested variance.

The Petitioners indicated that the roof peak of the addition will parallel to the roof peak of the existing dwelling which is not reflected in Petitioners' Exhibit 1.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the

subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of July, 1989 that the Petition for Zoning Variance to permit a side yard setback of 2 ft. in lieu of the required 10 feet for a proposed enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition; and,
- 2) The Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartment. The addition shall contain no kitchen facilities.

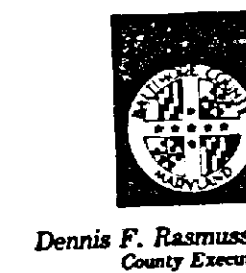
JRH:mmm

cc: Peoples Counsel

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

May 23, 1989



Dennis F. Rasmussen  
County Executive

Mr. and Mrs. B. Franklin Hearn, IV  
635 North Charles Street Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Case #89-46

Dear Mr. and Mrs. Hearn:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
att.  
cc: Peoples Counsel  
file

#### ZONING DESCRIPTION

Beginning on the west side of N. Charles St. Ave.  
60 feet wide, 428.17 feet south of Joppa Rd.  
Being in the subdivision Chestnut Hill.  
Book R.J.S. No. 13 Folios No. 129 & 130.  
Also known as 635 N. Charles St. Ave. in the 9th election district.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th  
Posted for: J. Robert Haines, IV, et ux  
Location of property: 635 N. Charles Street Avenue, 128.5 ft. S. of Joppa Road  
Location of Signs: 635 N. Charles Street Avenue  
Remarks: J. Robert Haines, IV, et ux  
Posted by: J. Robert Haines, IV, et ux  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Date: 4-25-89



Dennis F. Rasmussen  
County Executive

Mr. and Mrs. B. Franklin Hearn, IV  
635 N. Charles Street Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
CASE NUMBER: 89-469-A  
W/S North Charles Street Avenue, 428 ft. S of Joppa Road  
635 N. Charles Street Avenue  
9th Election District - 4th Councilmanic  
Petitioner(s): B. Franklin Hearn, IV, et ux  
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$110.29 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 087902

DATE 5/16/89 ACCOUNT # 01-615-000

AMOUNT \$ 110.29

RECEIVED FROM: B. Franklin Hearn

FOR: J. Robert Haines, IV, et ux

89-469-A

B 8057\*\*\*\*\*10268 116F

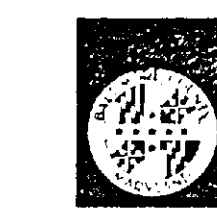
VALIDATION OR SIGNATURE OF CASHIER

WHITE CASHIER PINK AGENCY YELLOW CUSTOMER

#### NOTICE OF HEARING

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

April 6, 1989



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-469-A  
W/S North Charles Street Avenue, 428 ft. S of Joppa Road  
635 N. Charles Street Avenue  
9th Election District - 4th Councilmanic  
Petitioner(s): B. Franklin Hearn, IV, et ux  
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:00 p.m.

Variance to allow a side yard setback of 2 ft. in lieu of the required 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Hearn  
File

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-469-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.2 of the Zoning Regulations of Baltimore County, to allow a side yard setback of 2 ft. in lieu of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

This location is the least obtrusive we could figure out. Rather than fill up the backyard, we want to approach the property line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
B. Franklin Hearn IV  
(Type or Print Name)  
Signature  
Bonita Blair Hearn  
(Type or Print Name)  
Signature

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

828-6007  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of May, 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/20, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/20, 1989.

TOWSON TIMES,

S. Zake Olson  
Publisher

PO 11947  
reg 1128911  
co 89-469-A  
price \$ 95.29



